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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,741	01/23/2002	Michael P. Spratt	B-4469 619470-0	5399

7590 03/21/2005

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
PO Box 272400
3404 E Harmony Rd
Fort Collins, CO 80527-2400

EXAMINER

NGUYEN, HUY D

ART UNIT PAPER NUMBER

2681

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,741

Applicant(s)

SPRATT, MICHAEL P.

Examiner

Huy D Nguyen

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-13, 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10 and 16-19 is/are rejected.
- 7) ☒ Claim(s) 11-13, 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/3/2005 have been fully considered but they are not persuasive.

Regarding claims 1 and 16, the applicant submitted that the subject matter of claims 1 and 16 is fully disclosed in the priority document GB 0102417.3 which has the filing date of January 31, 2001. The applicant also asserted that Fidler reference which claims an earliest priority date of April 30, 2001 is not a proper reference against claims 1 and 16. The examiner states that no support is found in the applicant's priority document GB 0102417.3 for claims 1 and 16. Therefore, Fidler reference is a proper 35 USC 102 reference against claims 1 and 16.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5-10, 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Fidler (U.S. Patent No. 6,725,051).

Regarding claims 1, 16, and 18, Fidler teaches a static but movable device comprising: a short-range wireless receiver (e.g., blue tooth); a location-data processing arrangement for deriving successive estimates of the current location of the device using location data received on

an on-going basis by the short-range receiver (Column 3, lines 14-16); a move detection arrangement for detecting indications that the device at least may have been moved, and a location-validity supervisor for determining, following detection of one or more indications by the move detection arrangement, whether the current location estimate is to be treated as still valid, treated as still valid, the location-data processing arrangement being arranged, in response to the location-validity supervisor determining that the current location estimate is invalid, to discard that location estimate as current and thereafter use subsequently-received location data to derive a new current location estimate (e.g., replace stored location data with new location data - Figure 1; Col. 2, lines 51-67; Col. 3, lines 1-16).

Regarding claims 2, 17, Fidler teaches the device according to claim 1, wherein the move detection arrangement comprises an arrangement for detecting a said indication in the form of an indication that the device has been powered down and then powered back up (col. 4, lines 56-57).

Regarding claim 3, Fidler teaches the device according to claim 1, wherein the move detection arrangement comprises an motion detector for detecting a said indication in the form of an indication of physical motion of the device (col. 4, lines 54-55).

Regarding claim 5, Fidler teaches a device according to claim 1, wherein the move detection arrangement comprises an arrangement for detecting a said indication in the form of a change in the set of nearby devices from which the subject device can receive transmissions via its short-range receiver (Column 2, lines 52-66).

Regarding claim 6, Fidler teaches the device according to claim 1, wherein the move detection arrangement comprises an arrangement for detecting a said indication in the form of an

inconsistency between newly received location data and one or both of the current location estimate and previously-received location data (col. 4, lines 13-34).

Regarding claim 7, Fidler teaches the device according to claim 1, wherein the move detection arrangement comprises at least two of the following: an arrangement for detecting a said indication in the form of an indication that the device has been powered down and then powered back up; a motion detector for detecting a said indication in the form of an indication of physical motion of the device; an arrangement for detecting a said indication in the form of a change in the set of nearby devices from which the subject device can receive transmissions via its short-range receiver; an arrangement for detecting a said indication in the form of an inconsistency between newly received location data and one or both of the current location estimate and previously-received location data (col. 4, lines 50-67).

Regarding claim 8, Fidler teaches the device according to claim 1, wherein the location-validity supervisor is operative to determine that the current location estimate is invalid upon detection of one said indication by the move detection arrangement (col. 4, lines 13-34).

Regarding claim 9, Fidler teaches the device according to claim 1, wherein the move detection arrangement is operative to detect at least two different types of indications, the location-validity supervisor being operative to determine that the current location estimate is invalid upon detection of a predetermined combination of indications of two or more types by the move detection arrangement (col. 4, lines 50-67).

Regarding claim 10, Fidler teaches the device according to claim 9, wherein the move detection arrangement comprises both a first detector arrangement for detecting a first said indication in the form of an indication that the device has been powered down and then powered

Art Unit: 2681

back up, and a second detector arrangement for detecting a second said indication constituted by a change in the set of nearby devices (e.g., second device inputting data to apparatus – Figures 3 and 4) from which the subject device can receive transmissions via its short-range receiver; the location-validity supervisor being responsive to the detection of a said first indication to query the second detector arrangement as to whether said second indication is present, the location-validity supervisor determining the current location estimate to be invalid when both said first and second indications are present (Column 5, lines 41-48; Figures 2-4).

Regarding claim 19, Fidler teaches the device detection arrangement according to claim 18 wherein the move further comprises a second detector arrangement for detecting a second said indication the form of an indication that the device has been powered down and then powered back up; the location-validity supervisor being responsive to the detection of a said second indication to query the first detector arrangement as to whether said first indication is present, the location-validity supervisor determining the current location estimate to be invalid when both said first and second indications are present (Column 5, lines 41-48; Figures 2-4).

Allowable Subject Matter

4. Claims 11-13, 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D Nguyen whose telephone number is 703-305-3283. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 703-306-0003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2681

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HN

Huy Nguyen
3/9/2005

E. Moore
EMMANUEL L. MOORE
PRIMARY EXAMINER